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**U.S. District Court  
District of Oregon (Portland)  
CIVIL DOCKET FOR CASE #: 3:10-cv-01205-HZ**

Audubon Society of Portland v. United States Natural Resources Conservation Service	Date Filed: 09/30/2010
Assigned to: Judge Marco A. Hernandez	Date Terminated: 01/11/2012
Cause: 05:552 Freedom of Information Act	Jury Demand: None
	Nature of Suit: 895 Freedom of Information Act
	Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Audubon Society of Portland**

represented by **David A Bahr**  
Bahr Law Offices  
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Eugene, OR 97402  
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*ATTORNEY TO BE NOTICED*

**Paul August Kampmeier**  
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V.

**Defendant**

**United States Natural Resources**

represented by **Kevin C. Danielson**

**Conservation Service**

US Attorney's Office  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2010	<a href="#"><u>1</u></a>	Complaint. Filing Fee in amount of \$350.00 collected. Receipt No. 600005823. Summons issued as to Defendant. Filed by Audubon Society of Portland against United States Natural Resources Conservation Service. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet, # <a href="#"><u>2</u></a> Summons) (cp) (Entered: 09/30/2010)
09/30/2010	<a href="#"><u>2</u></a>	Motion for Leave to Appear Pro Hac Vice <i>for Paul Kampmeier</i> . Filed by Audubon Society of Portland. (Bahr, David) (Entered: 09/30/2010)
09/30/2010	<a href="#"><u>3</u></a>	Motion <i>TO WAIVE SPECIAL ADMISSION FEE</i> . Filed by All Plaintiffs. (Attachments: # <a href="#"><u>1</u></a> Exhibit Declaration in Support of Motion to Waive Pro Hac Vice Fee) (Bahr, David) (Entered: 09/30/2010)
10/04/2010	<a href="#"><u>4</u></a>	Return of Service Executed. as to United States Natural Resources Conservation Service served on 10/1/2010 Filed by Audubon Society of Portland. (Bahr, David) (Entered: 10/04/2010)
10/05/2010	5	<b>ORDER:</b> Granting Plaintiff's Motion to Waive Special Admission Fee <a href="#"><u>3</u></a> . Ordered by Chief Judge Ann L. Aiken. (lae) (Entered: 10/05/2010)
10/05/2010	<a href="#"><u>6</u></a>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to Chief Judge Ann L. Aiken. Discovery is to be completed by 2/2/2011. Joint Alternate Dispute Resolution Report is due by 3/4/2011. Pretrial Order is due by 3/4/2011. Ordered by Chief Judge Ann L. Aiken. (cp) (Entered: 10/05/2010)
10/05/2010	<a href="#"><u>7</u></a>	Order Granting Application for Special Admission Pro Hac Vice of Paul August Kampmeier for Audubon Society of Portland. Signed on October 5, 2010 by Chief Judge Ann L. Aiken. (cp) (Entered: 10/13/2010)
11/02/2010	<a href="#"><u>8</u></a>	Answer to <a href="#"><u>1</u></a> Complaint. Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 11/02/2010)
11/04/2010	<a href="#"><u>9</u></a>	Corporate Disclosure Statement. Filed by All Plaintiffs. (Bahr, David) (Entered: 11/04/2010)

		11/04/2010)
02/01/2011	<a href="#">10</a>	Joint Motion for Extension of Time <i>Joiant Motion to Modify Scheduling Order</i> . Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 02/01/2011)
02/01/2011	11	<b>ORDER:</b> Granting Joint Motion for Extension of Time <a href="#">10</a> .Defendants motion for summary judgment is due April 15, 2011. Plaintiffs response to Defendants motion for summary judgment and Plaintiffs cross-motion for summary judgment are due May 16, 2011. Defendants combined response to Plaintiffs motion for summary judgment and its reply brief are due June 16, 2011. Plaintiffs reply brief is due July 15, 2011. Ordered by Chief Judge Ann L. Aiken. (lg) (Entered: 02/02/2011)
04/15/2011	<a href="#">12</a>	Unopposed Motion for Extension of Time. Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 04/15/2011)
04/15/2011	13	<b>ORDER:</b> Granting Defendant's Unopposed Motion for Extension of Time <a href="#">12</a> . Defendant's Motion for Summary Judgment to be filed by 4/18/2011. Ordered by Chief Judge Ann L. Aiken. (lg) (Entered: 04/15/2011)
04/18/2011	<a href="#">14</a>	Motion for Summary Judgment. Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 04/18/2011)
04/18/2011	<a href="#">15</a>	Memorandum in Support. Filed by United States Natural Resources Conservation Service. (Related document(s): Motion for Summary Judgment <a href="#">14</a> .) (Danielson, Kevin) (Entered: 04/18/2011)
04/18/2011	<a href="#">16</a>	Concise Statement of Material Fact. Filed by United States Natural Resources Conservation Service. (Related document(s): Motion for Summary Judgment <a href="#">14</a> .) (Danielson, Kevin) (Entered: 04/18/2011)
04/18/2011	<a href="#">17</a>	Declaration of Lesley A. Kelly. Filed by United States Natural Resources Conservation Service. (Related document(s): Motion for Summary Judgment <a href="#">14</a> .) (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D) (Danielson, Kevin) (Entered: 04/18/2011)
04/18/2011	<a href="#">18</a>	Declaration of Brigitte J. Beaton. Filed by United States Natural Resources Conservation Service. (Related document(s): Motion for Summary Judgment <a href="#">14</a> .) (Attachments: # <a href="#">1</a> Exhibit 1) (Danielson, Kevin) (Entered: 04/18/2011)
04/18/2011	<a href="#">19</a>	Declaration of Ronald Alvarado. Filed by United States Natural Resources Conservation Service. (Related document(s): Motion for Summary Judgment <a href="#">14</a> .) (Danielson, Kevin) (Entered: 04/18/2011)

05/03/2011	<a href="#">20</a>	Unopposed Motion for Extension of Time <i>for Summary Judgment Briefing Schedule</i> . Filed by Audubon Society of Portland. (Attachments: # <a href="#">1</a> Proposed Order Proposed Order) (Bahr, David) (Entered: 05/03/2011)
05/03/2011	21	<b>ORDER:</b> Granting Motion for Extension of Time <a href="#">20</a> . Responses to Dispositive Motions are due by 5/23/2011. Replies to Dispositive Motions are due by 6/23/2011. Plaintiff's reply brief is due by 7/22/2011. Ordered by Chief Judge Ann L. Aiken. (lg) (Entered: 05/03/2011)
05/09/2011	<a href="#">22</a>	Notice of Case Reassignment: This case has been reassigned from Judge Ann L. Aiken to Judge Marco A. Hernandez. (eo) (Entered: 05/09/2011)
05/23/2011	<a href="#">23</a>	Cross Motion for Summary Judgment <i>by Plaintiffs</i> . Oral Argument requested. Filed by Audubon Society of Portland. (Bahr, David) (Entered: 05/23/2011)
05/23/2011	<a href="#">24</a>	<i>Plaintiff's Memorandum in Support Motion for Summary Judgment and Opposing Defendant's Motion for Summary Judgment</i> . Filed by Audubon Society of Portland. (Related document(s): Motion for Summary Judgment <a href="#">23</a> , Motion for Summary Judgment <a href="#">14</a> .) (Bahr, David) (Entered: 05/23/2011)
05/23/2011	<a href="#">25</a>	Declaration of Paul Kampmeier <i>In Support of Plaintiff's Motion for Summary Judgment</i> . Filed by Audubon Society of Portland. (Related document(s): Motion for Summary Judgment <a href="#">23</a> , Motion for Summary Judgment <a href="#">14</a> .) (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Exhibit Exhibit B, # <a href="#">3</a> Exhibit Exhibit C, # <a href="#">4</a> Exhibit Exhibit D, # <a href="#">5</a> Exhibit Exhibit E, # <a href="#">6</a> Exhibit Exhibit F, # <a href="#">7</a> Exhibit Exhibit G, # <a href="#">8</a> Exhibit Exhibit H, # <a href="#">9</a> Exhibit Exhibit I, # <a href="#">10</a> Exhibit Exhibit J, # <a href="#">11</a> Exhibit Exhibit K) (Bahr, David) (Entered: 05/23/2011)
06/23/2011	<a href="#">26</a>	Motion for Extension of Time <i>Defendant's Unopposed Motion for Extension of Time</i> . Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 06/23/2011)
06/23/2011	27	<b>ORDER:</b> Granting Defendant's Unopposed Motion for Extension of Time <a href="#">26</a> . Response/Reply to motion for summary judgment is due by 6/24/2011. Ordered by Judge Marco A. Hernandez. (mr) (Entered: 06/23/2011)
06/24/2011	<a href="#">28</a>	Response in Opposition " <i>Defendant's Combined Response and Reply Regarding Summary Judgment</i> " to Cross Motion for Summary Judgment <i>by Plaintiffs</i> <a href="#">23</a> , Motion for Summary Judgment <a href="#">14</a> . Filed by All Defendants. (Danielson, Kevin) (Entered: 06/24/2011)
07/22/2011	<a href="#">29</a>	Reply to Cross Motion for Summary Judgment <i>by Plaintiffs</i> <a href="#">23</a> , Motion for Summary Judgment <a href="#">14</a> Oral Argument requested. Filed by Audubon Society of Portland. (Bahr, David) (Entered: 07/22/2011)

08/15/2011	30	<b>Scheduling Order</b> regarding Motion for Summary Judgment <a href="#">14</a> and Cross Motion for Summary Judgment <a href="#">23</a> . Oral Argument is SET for 10/7/2011 at 10:00AM in Courtroom 14B before Judge Marco A. Hernandez. (mr) (Entered: 08/15/2011)
10/07/2011	31	<b>MINUTES of Proceedings:</b> Motion Hearing Held regarding Defendant's Motion for Summary Judgment <a href="#">14</a> and Plaintiff's Cross-Motion for Summary Judgment <a href="#">23</a> . Judge Marco A. Hernandez presiding. ORDER: Parties are requested to submit additional briefing on how 7 U.S.C. § 8792(a)(1), the definition of "agricultural commodity", affects the issue of whether the documents are exempt from disclosure. Defendant's brief is due by 10/28/2011. Plaintiff's brief is due by 11/4/2011. Motion will be taken under advisement as of 11/7/2011. David Bahr and Paul Kampmeier present as counsel for plaintiff(s). Kevin Danielson present as counsel for defendant(s). Court Reporter: Nancy Walker. (mr) (Entered: 10/07/2011)
10/28/2011	<a href="#">32</a>	Brief <i>Defendant's Supplemental Brief</i> . Filed by United States Natural Resources Conservation Service. (Danielson, Kevin) (Entered: 10/28/2011)
11/04/2011	<a href="#">33</a>	Sur-Reply <i>In Support of Plaintiff's Motion for Summary Judgment and to Defendant's Supplemental Brief</i> <a href="#">32</a> . Filed by Audubon Society of Portland. (Bahr, David) Modified document linkage on 11/7/2011 (cib). (Entered: 11/04/2011)
01/11/2012	<a href="#">34</a>	<b>OPINION &amp; ORDER:</b> Defendant NRCS's motion for partial summary judgment <a href="#">14</a> is denied with respect to claim one (violation of FOIA). Plaintiff Audubon's cross motion for summary judgment <a href="#">23</a> is granted with respect to claims one (violation of FOIA) and two (violation of FOIA deadline). Claim three (violation of APA) is dismissed as moot because it had been pled in the alternative to claim two. See 12-page opinion & order attached. Ordered by Judge Marco A. Hernandez. (mr) (Entered: 01/11/2012)
01/11/2012	<a href="#">35</a>	<b>JUDGMENT:</b> It is ordered and adjudged that Defendant's motion for partialsummary judgment <a href="#">14</a> is denied, Plaintiff's cross motion for summary judgment <a href="#">23</a> is granted, claim three is dismissed as moot, and this case is dismissed. Signed on 1/11/2012 by Judge Marco A. Hernandez. (mr) (Entered: 01/11/2012)

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